

Exhibit 17

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLINGS SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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DECLARATION OF MEL ZITTER

I, Mel Zitter, depose and state as follows:

1. I am a baseball coach and program director of the Youth Service League, an all volunteer, New York City-wide program aimed at providing meaningful and positive educational, athletic, and social activities for our mostly economically disadvantaged inner-city youth enrollment.

2. The Youth Service League sponsors 12 teams comprised of 250 players in the city of New York, many of whom are of high school age. The vast majority of the high school age players in our Youth Service League programs also compete on the baseball teams of their local or parochial high schools.

3. The Youth Service League has been highly successful in obtaining college scholarships for its quality baseball players. In any given year, twenty to thirty of our graduating players receive baseball scholarships from excellent colleges. For many of the young men in our program, athletic scholarships are the only realistic way for them to attend certain colleges that would otherwise be too expensive.

4. The recent legislation by the New York City Council banning the use of metal and nonwood composite bats in New York City high school play will seriously harm the Youth Service League and its players.

5. Many of our outstanding high school aged baseball players will be harmed in their efforts to attract college baseball scholarships. This is because all colleges utilize metal and nonwood composite bats, and therefore it will be more difficult for college coaches and scouts to evaluate the performance of New York City athletes who use only wood bats in their high school games. It will be much easier for these same coaches and scouts to project the college performance of a high school player using metal or nonwood composite bats.

6. Moreover, because a typical high school age player has more difficulty hitting successfully with a wood bat, which must be perfectly centered in order to strike the ball effectively, the offensive statistics of these players can be expected to fall dramatically if they are forced to use only wood bats.

7. The reason the offensive statistics of players using metal bats are generally higher is metal bats have a larger sweet spot. The sweet spot is that area of the bat on which a player can make effective contact. For metal bats, this area is larger than the sweet spot and allows a hitter to better cover the plate. In contrast, the sweet spot on a wood bat is much smaller. This means that unless the player makes contact on a particular area of the bat, the player will not make effective contact, even on pitches that are over the plate. This does not mean that the exit speeds of balls hit off metal bats are faster than balls hit off the sweet spot of wood bats. It simply means that players will more frequently make solid contact.

8. Also, because metal bats do not break on the handle, metal bats give a player a better chance of achieving a hit even when a ball is struck on the handle of the bat. This is very rare with wood bats, which almost always break when contact is made on the handle.

9. The lower offensive production from wood bats puts New York City high school age players at a serious disadvantage when compared to other players of the same age outside New York City. College scouts will attend many different games in the course of a high school season, and nearly every player they watch outside of New York City will be using metal or nonwood composite bats. These players will have much better offensive statistics than the New York City high school players who will be forced to use wood bats. Scouts will naturally take more interest in the players using metal bats with the better offensive numbers.

10. New York City high school age players will also be disadvantaged because nearly all college baseball programs use metal or nonwood composite bats in their games. It is much easier for a scout to project how a high school player will hit in college if that batter is using the same bats. Players using wood bats will be more difficult to evaluate. Since nearly all of the players in the Youth Service League also play for their local high schools, these disadvantages may also affect our ability to maintain the same level of success we've had in obtaining scholarships for these young men

11. The Bat Ordinance will also harm participation rates and the overall quality of baseball in New York City. This is because, for the reasons discussed above, a metal bat will improve any given player's offensive statistics, particularly the less skilled players. Smaller and less skilled athletes have more difficulty swinging wood bats with the precision necessary to hit successfully with wood. Because more players can successfully hit with metal bats, the result is more competitive baseball. Metal bats also allow more high school age kids to experience success and to have fun. This is why metal and nonwood bats have been used almost universally since their introduction in the early 1970s. Mandating the use of wood bats will strip these games of their competitive feel, and make the game less enjoyable for many players.

12. Wood composite bats will not address this concern. I have coached with wood composite bats in the past. Because these bats are designed to have similar sweet spots as wood, these bats are equally challenging for smaller and less skilled players.

13. If the Bat Ordinance is enforced, high school players will need to purchase many more wood bats because wood bats frequently break. A single player will go through several wood bats in a season due to breakage. In the past, a New York City high school could support

an entire team with just a few metal bats. This is the only realistic option in some areas where the players cannot financially pay for the bats themselves, and the programs have little money. These players and programs will no longer be able to survive with just a few metal bats, because they will have to purchase many wood bats due to breakage. This need to continually replace the bats will be far more costly to these programs and players.

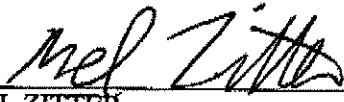
14. Moreover, Youth Service League players will suffer financial consequences as well. Most Youth Service League games involve the use of metal or nonwood composite bats. For this reason, players and parents will be forced to purchase two sets of bats – a large quantity of wood bats for high school play, yet must still buy metal bats for summer league play. This additional cost could harm participation rates in the Youth Services League, since the increased overall cost of the sport, and the less enjoyable games during the high school season, could lead many players to turn to other, cheaper, sports.

15. I do not understand why the New York City Council took this action. I have coached baseball for 35 years, and have observed thousands of games played with both metal and wood bats. I care about the players in my program, and would not allow any of them to use metal bats if I believed these bats presented a safety risk.

16. I believe that the Youth Service League and the other amateur baseball organizations are competent to address the issue of their own sporting equipment adequately. A number of years ago, the BESR rule was passed, in order to limit the performance of nonwood bats. Afterwards, I noticed a significant reduction in the performance of metal bats used in high school play, and was pleased with the change.

I declare under penalty of perjury that the foregoing is true and correct.

This ~~24th~~ day of May, 2007.


MEL ZITTER